IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Criminal Miscellaneous No.18379-M of 2007

Decided on : November 27, 2007

Ramesh Kumar Grover

... Petitioner

VERSUS

The State of Punjab and another

... Respondents

CORAM :
HON'BLE MR.JUSTICE A.N.JINDAL

Present: Mr.Sushil Gautam,
Advocate for the petitioner.

Mr.Satish Kumar Bhanot, Senior Deputy Advocate General for the respondent – State of Punjab.

A.N.JINDAL, J.-

The petitioner by invoking the provisions of Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) has sought quashing of FIR No.87 dated 24.5.2002 under Sections 382, 353, 506 and 186 of the Indian Penal Code (for short IPC) registered at Police Station City Khanna, District Ludhiana, at the instance of Additional Civil Judge (Senior Division), Khanna through District & Sessions Judge, Ludhiana.

The allegations, in nutshell, are that a complaint under Section 138 of the Negotiable Instruments Act filed by the petitioner was fixed for 20.5.2002 in the Court of Additional Civil Judge (Senior Division), Khanna for recording the evidence of the complainant. On that day, cross-

examination of one PW was completed and bailable warrant of the concerned Clerk of the Punjab National Bank was not received back, for which explanation of Naib Court was called for. However, the Court had issued fresh bailable warrants of the concerned Clerk for the next date i.e. 14.5.2002.

On 21.5.2002, the petitioner moved an application for inspection of the records of the case, "Ramesh Kumar vs. Gurdeep Singh". However, the petitioner did not inspect the records on that day. On 24.5.2002, at 12.30 p.m, the petitioner came to the Ahlmads' room for inspection of the record and asked Mr. Sukhdarshan Singh, Criminal Ahlmad of the aforesaid Court to hand over the file of the aforesaid case. Thereupon, Mr.Sukhdarshan Singh did not allow him to inspect the record on the earlier application and insisted upon applying afresh as the said application was for 21.5.2002. Mr.Sukhdarshan Singh also requested the petitioner to bring his counsel for his identification. At this, the petitioner became furious and threatened the said Ahlmad to face dire consequences and also abused him. He then snatched the judicial file titled, "State vs. Harnaginder Pal Singh, FIR No.105 of 13.6.1997 under Sections 323, 324, 342, 506/34 IPC, Police Station City Khanna" from the hands of Mr.Sukhdarshan Singh, in which he was to issue some process. When the petitioner took the file out of the room of the Ahlmad, he was immediately over-powered by Mr.N.S.Kalirao, Advocate, Khanna. Mr.Sukhjinder Singh, Copyist of the Court also witnessed the occurrence. The petitioner also tore out some papers of the said judicial file. After the recovery of the said file from the petitioner, he was immediately taken into custody. The

complaint filed by Mr.Sukhdarshan Singh was forwarded to the Station House Officer, Police Station City Khanna for registration of the case.

The petitioner while challenging the allegations has set up various grounds for quashing the proceedings, inter-alia; that the allegations as mentioned in the FIR are not correct; no statement of the witnesses discloses a cognizable offence against the petitioner; the statement recorded under Section 161 Cr.P.C, by the police also does not disclose if the petitioner had tore-out the file; the petitioner is a victim of Department and official bias; the principles of natural justice have been violated; respondent No.2 acted in bad faith, which may also be described as a malice and that respondent No.2 improperly used his powers and implicated the petitioner as a counter-blast to the application Annexure P-1. Consequently, he prayed for quashing of the proceedings.

At motion stage, though, the respondent-State of Punjab has not filed any reply, but it has strenuously opposed the petition.

The alleged occurrence took place as far back as on 24.5.2002. After the completion of the investigation, challan has been presented and the petitioner has been charge-sheeted by Sub-Divisional Judicial Magistrate, Khanna on 3.8.2002. There is also no denial to the fact that the prosecution evidence has already been closed.

That apart, a bare perusal of the First Information Report reveals that there are serious allegations against the petitioner with regard to the snatching of the judicial file from the official of the Court and also

tearing out some papers of the said file, which allegations can be adjudicated upon only by way of evidence. The registration of the case against the petitioner in the aforesaid circumstances cannot be said to be a misuse of the process of law. The case was registered against the person in connection with doing of a wrongful act. The allegations, as alleged in the FIR, can be said to be sufficient for prima facie constituting the offences for which the petitioners is being tried. The trial is likely to be concluded at an early date.

In the above set of circumstances, finding no merit in the petition, the same is hereby dismissed.

(A.N.JINDAL)
JUDGE

The 27th day of November, 2007
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To be Referred to Reporter - **Yes/ No**